

# SENATE BILL REPORT

## SB 5405

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As of February 2, 2009

**Title:** An act relating to classification as a resident student.

**Brief Description:** Regarding resident student classification.

**Sponsors:** Senators Oemig, Zarelli, Kilmer, Shin, Murray, Hewitt and Kohl-Welles.

**Brief History:**

**Committee Activity:** Higher Education & Workforce Development: 1/30/09.

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### SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

**Staff:** Aldo Melchiori (786-7439)

**Background:** Current state law outlines various definitions of "resident student" that would qualify an individual to receive in-state tuition rates. Examples include: (1) an individual that has established a domicile in the state of Washington for one year immediately prior to the first day of class for which the student has registered; (2) a dependent student whose parents have a domicile in Washington for one year prior to the start of class; (3) a student who has spent at least 75 percent of both his or her junior and senior years in in-state high schools, whose parents maintained a domicile in Washington for at least one year in the five-year period preceding the student's enrollment, and who enrolled in college within six months of leaving high school; (4) any person who has completed the senior year, received a diploma or its equivalent, continuously lived in Washington three years prior to receiving the diploma, and who provides an affidavit indicating that he or she will file an application to become a permanent resident; and (5) a student who is on active military duty, and that student's spouse or dependent.

There are many classifications of non-immigrant visas issued by the United States Department of State. The H-1B is a temporary worker classification that applies to a person in a specialty occupation, which requires the theoretical and practical application of a body of specialized knowledge requiring completion of a specific course of higher education or as a fashion model. The classification also applies to temporary workers in some programs administered by the Department of Defense. The E-3 classification applies to nationals of Australia who enter the United States to work solely in specialty occupations requiring a Bachelors degree or higher, as well as their spouses and children. The L classification

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applies to intracompany transferees who, within the previous three years, have been employed continuously for one year and who will be employed by a branch, parent, affiliate, or subsidiary of that same employer in a managerial, executive, or specialized knowledge capacity.

**Summary of Bill:** The definition of "resident student" is expanded for the purposes of determining whether a student pays resident tuition rates at Washington institutions of higher education. An individual qualifies as a "resident student" if the person has lived in Washington for at least one year and holds either an H-1B, E-3, or L visa. The spouse or child of a person holding an H-1B, E-3, or L visa also qualifies as a resident student, if the person holds lawful nonimmigrant status.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2009.

**Staff Summary of Public Testimony:** PRO: These modifications are targeted to help people and families that have been brought to the United States to contribute to our economy. This will be used to attract the best and brightest people for high level positions. Many other states offer this benefit.

**Persons Testifying:** PRO: Senator Oemig, prime sponsor; Lydia Tamez, Microsoft Corporation.